



City of Miami Springs, Florida

The Miami Springs City Council held a **REGULAR MEETING** in the Council Chambers at City Hall on Monday, June 11, 2007, at 7:00 p.m.

1. Call to Order/Roll Call

The following were present:

Mayor Billy Bain
Vice Mayor Bob Best
Councilman Paul C. Dotson
Councilman Rob Youngs

Absent:

Councilman Xavier Garcia

Also Present:

City Manager James R. Borgmann
Assistant City Manager Ronald K. Gorland
City Attorney Jan K. Seiden
Chief of Police H. Randall Dilling
Public Works Director Robert T. Williams
Deputy City Clerk Suzanne Hitafter

2. Invocation: Councilman Youngs offered the invocation.

Salute to the Flag: The audience participated.

3. Awards & Presentations:

None.

4. Open Forum:

Building Moratorium

Helen Lawrence of 641 Nightingale Avenue stated that residents are faced with water shortage restrictions, yet building continues that includes new bathrooms and kitchens. She suggested a building moratorium until the present water crisis is over.

Speeding/Crime Protection

Gary Johnson of 457 Deer Run submitted a petition signed by his neighbors requesting the installation of stop signs and blocking Deer Run at Fairway Drive in order to curtail speeding and crime.

City Manager Borgmann stated that Miami-Dade County Signs and Signals had been contacted regarding stop signs for various locations, including Deer Run.

Speeding/Crime Protection

Marty Perez of 415 Deer Run spoke in support of the petition for the installation of stop signs and blocking Deer Run at Fairway Drive. He said that there were many issues with speeding traffic and a rash of burglaries in the neighborhood.

Councilman Dotson asked if there were any obvious solutions to the problem because there had been burglaries on Pinecrest Drive as well.

Chief of Police H. Randall Dilling stated that the hotels attract transient traffic and recent arrests were made that were all drug related. He explained that there is an upcoming agenda item requesting approval of an expenditure for surveillance rental cars from the Law Enforcement Trust Fund. He said that lights around the house are the best crime deterrent and people should not leave valuables in their cars.

5. Approval of Council Minutes:

5A) 05/29/2007 – Special Meeting

Minutes of the May 29, 2007 Special Meeting were approved as written.

Vice Mayor Best moved the item. Councilman Youngs seconded the motion, which was carried 4-0 on roll call vote.

6. Reports from Boards & Commissions:

6A) 05/29/2007 – Board of Appeals – Minutes

Minutes of the May 29, 2007 Board of Appeals meeting were received for information without comment.

6B) 06/13/2007 – Golf and Country Club Advisory Board – Cancellation Notice

Cancellation Notice of the June 13, 2007 Golf and Country Club Advisory Board meeting was received for information without comment.

6C) 06/04/2007 – Zoning and Planning Board – Cancellation Notice

Cancellation Notice of the June 4, 2007 Zoning and Planning Board meeting was received for information without comment.

6D) 06/05/2007 – Code Enforcement Board – Minutes

Minutes of the June 5, 2007 Code Enforcement Board meeting were received for information without comment.

6E) 06/04/2007 – Board of Adjustment – Approval of Actions Taken at their Meeting of June 4, 2007

Actions taken by the Board of Adjustment at their meeting of June 4, 2007 were approved subject to the 10-day appeal period.

Councilman Youngs moved the item. Councilman Dotson seconded the motion, which was carried 4-0 on roll call vote.

7. Public Hearings:

7A) Public Hearing – Second Reading – Ordinance – An Ordinance of the City Council of the City of Miami Springs Amending Code of Ordinance Section 150-029, Political and Election Sign Regulations; by Eliminating Certain Ordinance Provisions, Modifying Certain Ordinance Provisions, and Adding Certain Ordinance Provisions; Repealing all Ordinances or Parts of Ordinances in Conflict; Effective Date (First Reading: 5/29/2007 – Advertised: 5/31/2007)

City Attorney Jan K. Seiden read the ordinance by title.

Attorney Seiden stated that the only change since the first reading was that all references to the five-foot setback from the front or side were eliminated.

Mayor Bain opened the public hearing to those persons wishing to speak. There were no speakers, and the public hearing was closed.

Councilman Youngs moved to adopt the ordinance and Councilman Dotson seconded the motion which was carried 4-0 on roll call vote (Ordinance No. 956-2007).

7B) Public Hearing – Second Reading – Ordinance – An Ordinance of the City Council of the City of Miami Springs Enacting New Code of Ordinance Section 52-13, Mandatory Metering-New Apartments and Condominium Units; by Providing that all Newly Constructed Units in the City are Required to be Individually Metered; Repealing all Ordinances or Parts of Ordinances in Conflict; Effective Date (First Reading: 5/29/2007 – Advertised: 5/31/2007)

City Attorney Jan K. Seiden read the ordinance by title.

Attorney Seiden stated that no changes were made since the first reading.

Mayor Bain opened the public hearing to those persons wishing to speak. There were no speakers, and the public hearing was closed.

Councilman Dotson moved to adopt the ordinance and Vice Mayor Best seconded the motion which was carried 4-0 on roll call vote (Ordinance No. 957-2007).

8. Consent Agenda: (approved simultaneously)

8A) Approval of the City Attorney's Invoice for May 2007 in the Amount of \$9,922.00

There was no discussion regarding this item.

Vice Mayor Best moved the item. Councilman Youngs seconded the motion, which was carried 4-0 on roll call vote.

8B) Recommendation that Council Approve a Law Enforcement Trust Fund Expenditure of \$62,178.00 to Royal Rent-a-Car, Utilizing Miami-Dade County Contract #E5961-0/03, as Provided in Section 31.11 (E) (5) (b) of the City Code

Councilman Dotson asked if the rental cars were capable of being take home cars and Chief of Police Dilling explained that the Police Department has use of the vehicles twenty-four hours a day.

Councilman Dotson asked if the rental vehicles would free up two other cars.

Chief of Police Dilling explained that the cars would not free up two vehicles, they are not part of the fleet and their primary use is for surveillance by the crime prevention task force. This is an ongoing annual program and every three years the request is brought to Council for approval. City Manager Borgmann clarified that it is a three-year program.

Vice Mayor Best moved the item. Councilman Youngs seconded the motion, which was carried 4-0 on roll call vote.

9. Old Business:

9A) Recommendation that Council Waive the Competitive Bid Process and Approve an Expenditure of \$42,451.00 to Shade Systems, Inc. for the Tot-Lot Shading System, Pursuant to Section 31.11 (E) (6) (g) of the City Code

City Manager Borgmann stated that a proposal was presented at the last meeting for four different shade structures for the Tot-Lot at Prince Field by Shade Systems, which was the only bidder. Assistant City Manager Gorland has been negotiating with Shade Systems and they came up with a plan that would create a situation whereby Council would have to waive the competitive bid process.

Assistant City Manager Gorland stated that a number of vendors were contacted, including the vendor that provided the shade canopy at the Golf Course Driving Range and they submitted a quote for approximately \$52,000. Other companies that provide umbrella and sail type shade systems were also contacted and it was determined that the best option would be the canopy approach because it would provide the most shade from 11:00 a.m. to 3:30 p.m. By covering the area between the toddler lot and the section running parallel from the swings over to the area with the tall structures, it allows the relocation of an existing umbrella into the toddler lot. This is the lowest cost option that will provide quite a bit of shade and trees will be planted as well.

Assistant City Manager Gorland explained that in most situations he does not recommend waiving the bid process, but in this particular case a lot of time was spent going through the bidding process that ended with one bidder, and Shade Systems is the most popular throughout the County. In addition, they can provide a custom design system, and to answer the Mayor's question, Mr. Gorland stated that the shade system should be in place within six weeks after the purchase order is issued.

Vice Mayor Best said that this alternative is less than half the cost of the bid that was presented, and it will provide substantial coverage.

Councilman Dotson complimented Mr. Gorland for an excellent job in exploring all options. He noticed that funding is coming from the hurricane contingency fund. He asked how much is available in that fund.

Assistant City Manager Gorland clarified that the balance in the hurricane contingency fund is a little more than \$500,000.

Councilman Youngs moved to reject Bid # 09-06/07, waive the competitive bidding process and approve an expenditure of \$42,451.00 to Shade Systems. Vice Mayor Best seconded the motion, which was carried 4-0 on roll call vote.

City Manager Borgmann stated that the original bid was \$149,000 and \$42,451.00 is more than two-thirds less.

9B) First Reading – Ordinance – An Ordinance of the City Council of the City of Miami Springs Amending Code of Ordinance Section 150-091, P-2 Church Use Only, by Expanding the Uses Permitted to Include Other Activities not Directly Connected with the Normal Operation of a Church; Repealing all Ordinances or Parts of Ordinances in Conflict

City Attorney Jan K. Seiden read the ordinance by title.

Attorney Seiden stated that the representative from Habitat from Humanity had not contacted him since the last meeting. He drafted the ordinance changing some of the language to make it more generic in regard to religion and the most important part is the language that allows the usage, which he based on suggestions from Council and their concern about expanding the use too far.

Attorney Seiden added language to read: *“In addition, charitable and faith based not-for-profit 501(c) (3) approved organizations whose functions and activities are consistent with the intent and purposes of religious organizations may occupy and utilize the premises of such religious organizations located within the City in accordance with the rules and regulations of the district.”* He said that if the use burdened the area for parking, the City would still have control.

Joe Derry of 251 Crescent Drive, Apartment 12, congratulated the City Attorney for changing the language to reflect generic terms. He personally would like to remove the word “Sunday” because different religions recognize the Sabbath on other days of the week.

City Attorney Seiden suggested changing the word “Sunday” to “religious”.

Vice Mayor Best was concerned that amending the Code to expand the use could be precedent setting. He said that it would allow a religious organization to set up a business, which means more people coming to and from work and because there are so many churches in the City, it would not be in the best interests of the City.

Mayor Bain commented that the Habitat for Humanity representative did not contact the City Attorney. He is curious to know if they are still interested or if they are looking elsewhere.

Attorney Seiden explained that the representative spoke with the City Planner and told him that she had a previously scheduled vacation.

Councilman Youngs stated that Council had requested examples of the County ordinance and other cities and he would like this information before the next reading of the ordinance.

Attorney Seiden said that the representative advised the City Planner that she did not think there were other examples, but she was going to check and let him know.

City Attorney Seiden stated that it was previously mentioned by the City Manager that the finances of the churches are restricted because the economy is tight. Amending the ordinance would permit a business operation to go into a location that was predominately a religious institution and controlling the parking and other regulations could prevent the use from overtaking the operation.

Attorney Seiden said that the first request was for the Charter School, the second was Habitat for Humanity and the City Planner has informed him that he was approached by a physician who is considering opening an office at Fair Havens who would treat outside patients.

Mayor Bain stated that he had reservations about allowing a business use in the church, even though it is a non-profit organization.

Vice Mayor Best said that he respects Habitat for Humanity but he does not understand why they want to relocate in Miami Springs because it would be more convenient if they were in a location closer to their projects.

Councilman Youngs commented that Miami Springs is centrally located in Miami-Dade County, which is attractive to organizations that cover the entire county.

City Attorney Seiden stated that Council could decide whether or not to pass the ordinance on first reading or have another first reading when the representative could be present.

Vice Mayor Best asked to table the item.

Councilman Youngs explained that he also had concerns and the City Attorney drafted the language so it is generic and limits the use because very few organizations are not-for-profit 501(c) (3) whose functions and activities are consistent with the intent and purposes of religious organizations. In terms of impact on the area, these are the kind of activities that were already allowed in a religious district. He said that he would be in favor of letting it go forward.

Vice Mayor Best said that there are numerous houses of worship in the City and he is concerned with the commotion and other problems it could create. He is concerned with density and the number of people coming into the City that do not live here.

Councilman Youngs was of the opinion that this type of activity would be good for business because most of the churches are adjacent to the Downtown or Neighborhood Business District, with the exception of All Angels. The impact would be minimal compared to a school, which is a permitted use.

Councilman Dotson stated that most of the churches are involved in administrative functions with employees coming and going. He asked if the City Attorney drafted the language to confine the use to administrative functions.

City Attorney Seiden said that the word administrative could be inserted. He explained that the representative from Habitat for Humanity said that the administrative functions included insurance servicing, mortgage financing, collecting payments and affordable housing matters.

Mayor Bain stated that the appropriate changes should be made to the ordinance. He commented that if Council voted at this time the vote would be split 2-2. He added that the Habitat for Humanity representative did not communicate with the City Attorney like she said she would and no one from the organization had the time to attend this meeting to answer questions. He asked to table the matter.

Councilman Dotson agreed with Mayor Bain that the item should be tabled and the representative, Ms. Manning, should come back to answer questions.

Attorney Seiden explained that he changed the wording to read: *“In addition, charitable and faith based not-for-profit 501(c) (3) organizations whose functions and activities are administrative in nature and are consistent with the intent and purpose of religious organizations”*

Mayor Bain clarified that his request is to have Ms. Manning come to the next meeting and schedule the item for discussion purposes only. The ordinance could be scheduled for another first reading at a future meeting, if appropriate.

Vice Mayor Best asked the City Attorney if this was the first time that anyone had made a request of this nature.

City Attorney Seiden stated that the P-2 district had existed as written in the Code for a number of years and since times are changing there are requests for expansion of the use. There were some Supreme Court cases regarding zoning for houses of worship. He felt that the language would control the use within reason and the only issue in his mind is related to the affordable housing function, which Ms. Manning could be asked to explain.

Council tabled the item for discussion at the next meeting.

9C) Discussion of Historic Preservation Board Minutes Regarding Hybrid Designation of the Golf Course (Tabled: 5/29/2007)

City Attorney Seiden stated that he rendered two opinions for the Historic Preservation Board that were not included in the agenda packet. He met with the Board regarding designation and the members came up with an idea of a designation without restrictions or limitations.

The Golf Course designation has officially been proposed at least twice to prior Councils, according to Attorney Seiden. It is an unusual situation because the City is the owner and Council is the designated representative of the owner who must determine if they approve of the designation and eventually vote on any appeal by the owner. In the first instance, the designation was appealed and did not go through and in the second case the proceeding did not reach that point.

Attorney Seiden explained that a guest speaker was present at the Historic Preservation Board meeting who was very adamant about her position. He said that he agreed with some of the points she made and disagreed with others, one being the fact that the Golf Course is the City's most valuable asset, which should not be ignored and any restriction could impact the ability to survive as a functional operation.

Attorney Seiden stated that Council should consider if the designation is proper before considering the Board's idea to create legislation that would in effect create a hybrid district or category within the Historic Preservation ordinances. Basically, designation could be accomplished for designation sake only without the Board having the ability to restrict or limit what the City as the owner of the property may need to do. There have been discussions at Council and Golf Advisory Board meetings regarding the need to install new irrigation, tee boxes, changing the holes and there is a very good argument that an official designation could be a burden.

Attorney Seiden explained that there are questions involved in the creation of such a district. One is whether or not the designation would be in name only and once the district is created it could be used by other property owners. He said that there would have to be a determination by the Board as to exactly what would be designated.

Attorney Seiden stated that most of the discussion in past years was about land use control. There are deed restrictions, a Charter provision dealing with the sale of recreational property without a 4/5 vote of Council, the specific Charter amendment that was passed in regard to the Golf Course and the fact that the property is designated in the Comprehensive Plan as open recreational space. It would seem that the Golf Course is well protected as far as land use.

Attorney Seiden said that the Board brought up the idea of designating the Golf Course as a landscape feature. He was of the opinion that the entire legal description of the property should be included if it were designated, not excluding anything. This historic nature of the Golf Course is that it was the centerpiece of the design of the City and there were some events that were the first for golf courses.

The real question to determine is whether Council would consider the creation of a designation category that would be hybrid in nature to allow designation and not place any restrictions or limitations on what Council as the owner might want to do with the course.

Vice Mayor Best felt that the question is whether or not a hybrid designation would be purposeful. The pros and cons must be evaluated and Council needs to be aware of what the designation would do to protect the property in addition to the four layers of protection mentioned by the City Attorney.

Vice Mayor Best asked to consider what the downside would be for the City if the property is not designated.

Attorney Seiden explained that if the property is designated under the current standards of the ordinance, there would be a substantial limitation and restriction on the owner because the Board would have to give approval for any changes. The Board understands that this is one of the major reasons why designations had been turned down by prior Councils. The Board said that historic plaques or markers would be nice, but they want an official designation and they are trying to accomplish their purpose without hurting the economic situation with the Golf Course.

Attorney Seiden said the question before Council is whether or not they would be receptive to creating legislation that would allow a hybrid designation category in the Code of Ordinances that would allow designation without restrictions or limitations. The consequence, if this were to be approved, would be that the Golf Course would be designated and in the future the City Council would not have to go to the Board to request approval to make improvements.

City Attorney Seiden explained that it would only be related to operational improvements or functions, not renting or selling the Golf Course because that would fall under the purview of the four restrictions that he mentioned.

Vice Mayor Best asked what would be the difference between the normal designation and the hybrid designation.

City Attorney Seiden said that in his opinion, prior Councils and the Administration turned down the designation based upon the fact that it would require the owner of the property to go back to a subsidiary board to have discretion to give permission to change the Golf Course in any functional capacity.

City Manager Borgmann stated that if the economics of the Golf Course kept getting worse and it was decided that a physical change was needed, Council would have to go back to the Board and the Board members could tell Council what they could or could not do.

Councilman Youngs said that his concern is that the County Historic Preservation Board has the authority to supersede the Miami Springs Historic Preservation Board if it is not happy with the Board's functions. The burden of proof would fall on Council against a Board that has a bias to preserve the property exactly as it is, regardless of economic impact. This does not seem to be in the best interest of the Miami Springs' tax payers and the benefit does not seem to merit a full historic designation for that reason.

Councilman Youngs stated that Ms. Shonberger convinced him to have an open mind about the benefits of historic designation and the question in his mind is whether the benefits outweigh the cost. If a hybrid designation is created, it is not known if it would be struck down in court. He would have to be satisfied before going forward with a hybrid designation, although it is worthy of investigation.

City Manager Borgmann said that three years ago when the issue first came up there was not another historically designated golf course in the United States. He was of the opinion that Historic designation would probably not do much for the Miami Springs Golf Course.

City Attorney Seiden explained that the Board is more knowledgeable in historic designation matters and he mentioned to them that a professional in the field could look at the hybrid designation and say that it is a designation without control and it could “water down” the recognition at some point.

City Attorney Seiden stated that Shirley Taylor-Prakelt spoke to the Historic Preservation Board and advised them that if a group of citizens or the Miami-Dade County Historic Preservation Board were unhappy they could take action against the City to challenge the hybrid designation.

Councilman Dotson felt that the hybrid designation would be a designation in name only and the Board came up with the idea as a result of two or more failed attempts to designate the Golf Course. He was of the opinion that the Board is grasping for something that could hopefully be approved, but it could amount to zero if it does not qualify as a designation.

Councilman Dotson believes the Golf Course should be designated as an eighteen hole, championship Golf Course with a par of 70, 71 or 72. The limitation and restrictions would be on the 183 acres that represent the Golf Course and the fact that two holes have been changed in the history of the course does not really change the character of the layout.

Councilman Dotson said that it is not fair to say a designation would cause Council to lose control because Code Section 153 makes it clear that Council would retain control. He felt that the Charter amendment restrictions are important, but the designation is for historical recognition. The Golf Course hosted the greatest players in the world and was the first in Florida to sponsor international tournaments and allow African Americans to play.

Councilman Dotson stated that it is important to keep in mind what the Golf Course has meant to the City from its inception when it was used as a centerpiece to sell lots and create Country Club Estates. The green space is very important to the entire community because the Golf Course adds to the quality of life and it is the City’s most valuable asset.

Councilman Dotson asked to address the issue with an open mind, regardless of what happened in the past, and consider what is in the best interest of the people.

To answer Councilman Youngs’ question, Councilman Dotson clarified that he would like a full designation for the Golf Course, and for the matter to go back to the Historic Preservation Board for further discussion and consideration.

Mayor Bain was of the opinion that the issue is about control and the people voted to have total control because it will take a vote of the people to sell or change the use of the property. The City Attorney has made it clear that Miami-Dade County could take control if the Golf Course is designated and the business is not handled properly.

The Mayor said that a hybrid designation would only be recognition to serve the purposes of the Historic Preservation Board and in his opinion, a plaque or sign could be placed at the Golf Course that reads "Historical Miami Springs Golf Course" without diminishing the accomplishments of the Golf Course.

Mayor Bain suggested researching to determine why some of the most historical golf courses in the nation have not been designated historical, including August National. He does not have a problem with pursuing the hybrid issue and he supports keeping the Golf Course as green space. The Mayor said that he was very instrumental in having the people vote to maintain control of the Golf Course. He added that it would be Council's decision to authorize the City Attorney to prepare a hybrid category.

Vice Mayor Best agreed with Mayor Bain that control is the main issue. He does not like the fact that the County could have the ability to come back to the City relative to the hybrid designation. He felt it would be prudent to acquire more information.

Mayor Bain stated that Councilman Garcia is not present and he would like him to have the opportunity to be a part of the decision.

Vice Mayor Best explained that he would like to have more time to consider this issue. Also, Councilman Garcia should be part of the decision making process.

Councilman Youngs would like clarification on whether the hybrid designation would be effective and whether or not it would require a Certificate of Appropriateness to relocate the tennis courts or swimming pool to the Golf Course.

City Attorney Seiden clarified that the theory of the hybrid ordinance is to eliminate all the restrictions and allow the designation.

Councilman Youngs said that he would like to review the County Historic Preservation Ordinance to understand its purposes and functions. He would like to look into the matter further.

Councilman Dotson stated that the County would not take control as long as the City abides by the ordinances.

City Attorney Seiden agreed with Councilman Dotson that the County would not intervene if the City abides by the ordinances. He explained that Shirley Taylor-Prakelt was adamantly against a hybrid designation and she felt that the County Historic Preservation Board or a group of citizens could challenge the City for doing something improper by creating a hybrid designation.

City Attorney Seiden stated that the County had threatened to exercise its authority a number of times in the past. The cities were given the option of abiding by the County Ordinance or enacting one of their own and if the County feels that the City is acting inappropriately they could take any action that they deem necessary.

City Attorney Seiden suggested that the City Clerk could provide Council with a copy of the County's Ordinance.

Councilman Dotson commented that Augusta National Golf Course is not a good comparison because it is privately owned and they would not even bow to the New York Times regarding women membership. The Miami Springs Golf Course is a municipal course and an important part of the City's history. He clarified that there are other municipal golf courses that are designated.

By consensus, Council tabled the item for the next meeting.

9D) Report Regarding Tax Reform Legislation

City Manager Borgmann reported that he received the following information regarding a plan that will be the subject of a Special Legislative Session:

\$15.6 billion in Immediate Tax Relief and Reform (Statutory)

Beginning this year, every category of property taxpayer will benefit from the cut and the cap that the statute imposes.

- *All cities and counties will be required to cut taxes in the upcoming 2007-2008 fiscal year to the 2006-2007 revenue levels. These local governments will then be required to make an additional cut of 3%, 5%, 7% or 9%. The level of cuts will be determined by a formula that analyzes their taxing performance over the past 5 years, measured against a statewide average. (The City falls under the 5% category).*
- *Special taxing districts and fiscally limited cities and counties will be required to cut taxes to the 2006-2007 revenue levels and make an additional cut of 3%.*
- *A cap on future property tax revenues (based on the rate of personal income growth, and new construction) will be imposed to ensure that government cannot grow faster than personal income.*
- *Local governments may override the cut and cap. The method for the override will vary based on the magnitude of the local government's action (escalating from a supermajority vote of the local governing body, to a unanimous vote of the local governing body, to a referendum).*

- *NOTE: The mandatory cut and cap represent the minimum required reduction. Local governments may elect to provide taxpayers with a greater level of tax relief.*

\$16 billion in Further Tax Relief and Reform (Constitutional Amendment)

- *“Save our Homes” is replaced with a new “super exemption.” An estimated 73% of homesteaded properties will receive a greater benefit under this new exemption.*
- *The estimated average savings for a homestead property (combining the statutory and constitutional changes) will be \$1,300 in 2008-2009. This average savings represents a 44% reduction.*
- *The new “super exemption” will be as follows:*
 - *Level 1: Homesteaded property will receive an exemption of 75% of the first \$200,000 in value of a home*
 - *The minimum exemption is \$50,000 per homestead.*
 - *Level 2: In addition to Level 1, homesteaded properties will obtain another 15% exemption for the next \$300,000 in value.*
- *They will grandfather the tax savings and assessment cap for the minority of property owners who have greater benefits under the current “Save Our Homes” plan.*
- *They will preserve all existing constitutional exemptions based on special circumstances, including those now provided to disabled veterans, low income seniors and agricultural lands.*
- *Because the tax base for all taxing authorities will decline under the constitutional amendment, the fiscal analyses reflects a reduction in school funding. They intend to hold schools harmless from these cuts.”*

City Manager Borgmann said that the City is close to the top of the 5% category on a comparative scale with the State, which means that compared to the average municipality in the State of Florida, the City has done a better job of keeping a lower tax rate.

Vice Mayor Best stated that it appears that the Legislature wants to reward those municipalities that have kept a lower tax rate.

City Manager Borgmann agreed that the City has done everything possible to roll back the millage rate and the elected officials are responsible for making the decisions about what services are to be provided. He explained that it is still a government of the people, by the people and for the people, and the citizens voice their concerns to Council about programs and services that they want.

City Manager Borgmann stated that the City purchased the Golf Course and invested a lot of money, losing \$500,000 for seven straight years, and the millage was adjusted to pay for the asset.

Mayor Bain said that he appreciated the updated report.

9E) Appointment to the Ecology Board by Mayor Bain to Fill an Unexpired Term Ending on April 30, 2009

Mayor Bain **deferred** his appointment to the Ecology Board.

9F) Appointment to the Golf and Country Club Advisory Board by Mayor Bain for an Unexpired Term Ending on July 31, 2007

Mayor Bain **deferred** his appointment to the Golf and Country Club Advisory Board.

9G) Appointment to the Recreation Commission by Mayor Bain for a Full 3-year Term Ending on April 30, 2010

Mayor Bain **deferred** his appointment to the Recreation Commission.

9H) Appointment to the Civil Service Board by Councilman Garcia (Group III) for an Unexpired Term Ending on June 30, 2009

Councilman Garcia was absent and the appointment was **tabled**.

9I) Appointment to the Ecology Board by Councilman Youngs (Group IV) for a Full 3-year Term Ending on April 30, 2010

Councilman Youngs (Group IV) **deferred** his appointment to the Ecology Board.

10. New Business:

10A) Appointment to the Education Advisory Board by Mayor Bain for a Full 2-year Term Ending on May 31, 2009 (Mindy McNichol's seat)

Mayor Bain re-appointed Mindy McNichols to the Education Advisory Board for a full 2-year term ending on May 31, 2009.

10B) Appointment to the Education Advisory Board by Vice Mayor Best (Group I) for a Full 2-year Term Ending on May 31, 2009 (Cheryl Mulet's seat)

Vice Mayor Best (Group I) **deferred** his appointment to the Education Advisory Board.

10C) Appointment to the Education Advisory Board by Councilman Dotson (Group II) for a Full 2-year Term Ending on May 31, 2009 (Christina Shapiro's seat)

Councilman Dotson (Group II) **deferred** his appointment to the Education Advisory Board.

10D) Appointment to the Education Advisory Board by Councilman Garcia (Group III) for a Full 2-year Term Ending on May 31, 2009 (Eduardo Molliner's seat)

Councilman Garcia was absent and the appointment was **tabled**.

10E) Appointment to the Education Advisory Board by Councilman Youngs (Group IV) for a Full 2-year Term Ending on May 31, 2009 (Maria Mitchell's seat)

Councilman Youngs (Group IV) **re-appointed** Maria Mitchell to the Education Advisory Board for a full 2-year term ending on May 31, 2009.

10F) Resolution – A Resolution of the City Council of the City of Miami Springs Requesting the United States Congress to Appropriate Funds Necessary to Bring the Herbert Hoover Dike into Compliance with Current Levee Protection Safety Standards and to Expedite Funding for the Improvements Through Prompt Enactment of the Energy and Water Appropriations Bill or some Other Mechanism; Requesting Local Governments to Enact Resolutions Supporting this Request; Providing an Effective Date

City Attorney Jan K. Seiden read the resolution by title.

Mayor Bain stated that he placed this item on the agenda for Council's consideration.

Councilman Dotson moved the item. Vice Mayor Best seconded the motion, which was carried 3-0 on roll call vote. Councilman Youngs was absent at roll call (Resolution No. 2007-3361).

10G) Resolution – A Resolution of the City Council of the City of Miami Springs; Authorizing Application for Grant from the Safe Neighborhood Parks Bond Program; Effective Date

City Attorney Jan K. Seiden read the resolution by title.

City Manager Borgmann stated that the City had the opportunity to submit a grant application with the Safe Neighborhood Bond Program for projects related to park shelters and parks that encourage ADA compliance.

City Manager Borgmann explained that the Tot-Lot shelter and the ADA accessible park restrooms were two projects in progress that met the criteria, although there is no guarantee for funding. The grant is a 50/50 match. Half the amount for the Tot-Lot shelter would change to \$21,225.50 and half the cost of the restrooms remains at \$142,634.50. A resolution is required to show Council's support of the grant application.

Vice Mayor Best moved the item. Councilman Youngs seconded the motion, which was carried 4-0 on roll call vote (Resolution No. 2007-3362).

10H) Grant Writer Discussion (Requested by Mayor Bain)

Mayor Bain stated that he spoke with a representative from Lincoln Diaz-Balart's office regarding support for the City in obtaining Federal grants. When they asked him who was the City's grant writer he responded that the City does not have one, but he would express the need to Council.

Mayor Bain said that if City Manager Borgmann happened to be unavailable, he would like to discuss how the City could acquire the services of a person who could write grants for the City, either on a volunteer or hired basis.

To answer the Mayor's question, City Attorney Seiden clarified that contingency fees are not allowed.

The City Manager reiterated that the City could pay a grant writer, but not on a contingency basis.

Mayor Bain said that he would like to set a goal and initiative for the City Manager to hire a grant writer as soon as possible.

Vice Mayor Best applauded Mayor Bain for his recommendation. He recalled from previous discussions that a grant writer is not generic; they specialize in different areas.

Mayor Bain stated that he knows of people who live in the City that have written grants and have been successful in getting funds. He said that there should be a mechanism to attract grant writers.

Vice Mayor Best added that he submitted names of potential grant writers to the City Manager and nothing had materialized due to lack of funding or other reasons. He said that he would like to research the matter.

City Manager Borgmann stated that the Recreation Center is the biggest project on the horizon and it could require recreation grants. He has not been overly active in this particular area because of the concern about the tax reform and how it could affect recreation programs.

Councilman Dotson said that Vice Mayor Best made a good point and there should be a plan. He would like to “test the waters” to see how well the City can do, and if there is specificity in grant writing, it should be more focused on a particular area.

Mayor Bain stated that Council developed a list of goals and the projects that lack funding could be eligible for grants.

Council **requested** a list of the goals and needs of the City.

Mayor Bain explained that grants are needed for recreation, infrastructure improvements and educational programs for athletics, public safety, etc. He would like to be more aggressive because Hialeah and other cities are successful in obtaining grants.

Councilman Youngs agreed that funds for a grant writer should be set aside in the upcoming budget, based on the need in particular areas. He would like to go forward with the process.

10I) Water and Sewer Transference from the City of Miami Springs to the Miami-Dade County Update

City Manager Borgmann referred to a memorandum from Finance Director Alonso addressing questions related to the transfer of the water and sewer system. He indicates that the residents will pay an additional amount of \$19,167,000 (principal and interest) over the life of the County debt by taking the total payments under the County assessment of \$31,151,000 and subtracting the payments left on the current bond of \$11,984,000.

City Manager Borgmann said that Councilman Dotson raised the question about the fairness of the City’s residents having to pay for our own repair costs when the City has been paying the costs for other cities during the past years, and he could not get a concise answer from WASA representative George Rodriguez.

The last municipality to transfer their system to WASA was South Miami back in the late 70’s, according to Mr. Borgmann. Opa-locka, West Miami, North Bay Village and Miami Springs are being considered for transfer at the current time.

Councilman Dotson said that it was revealing that the water transmission pipe repair and replacement is so expensive.

City Manager Borgmann explained that the City had not made any major improvements to the water lines because it is an expensive process and minimal repairs are done annually.

Councilman Dotson would like a comparative financial analysis projecting the annual operating expenses and the cost for repairs assuming the City keeps the water and sewer system versus the cost of transferring the system.

Council **requested** a comparative financial analysis of the transfer of the water and sewer system versus the cost of the City retaining the system for the June 25, 2007 Regular meeting.

10J) Recommendation that Council Approve Payment of Invoices to Job Mix Inc. for Sidewalk Repair Work

City Manager Borgmann stated that this item is a recommendation that Council waive the competitive bid process and approve an expenditure not to exceed \$15,000 to Job Mix Concrete for sidewalk repair work, pursuant to §31.11 (E) (6) (g) of the City Code.

City Manager Borgmann explained that the Administration did not expect to exceed \$10,000, but the expenses are close to that amount and Public Works Director Robert Williams does not expect to spend more than an additional \$5,000.

To answer Vice Mayor Best's question, Public Works Director Robert Williams stated that the bulk of the repairs are related to hazardous sidewalks, water and sewer line replacements and meter replacements.

Vice Mayor Best moved the item. Councilman Youngs seconded the motion, which was carried 4-0 on roll call vote.

11. Other Business:

None.

12. Reports & Recommendations:

12A) City Attorney

BFI/Allied Waste Dispute

City Attorney Seiden reported that a matter involving a dispute between BFI/Allied Waste and the City has been pending since 2004, regarding the amount of hurricane debris that was hauled away, which was calculated in cubic yards. The Federal Emergency Management Agency (FEMA) estimated that the actual weight was one-half of the cubic yard calculation and the BFI representative said that it would be corrected. After time passed, the City received an e-mail from BFI saying that they re-thought their position, there was no error and they would not adjust the billing.

Attorney Seiden explained that a consultant was hired to help with the litigation that is very knowledgeable and can obtain the necessary documentation. The City was eventually sued for \$1,300,000, although \$900,000 of that amount had actually been paid.

Attorney Seiden responded by filing an answer of affirmative defense against BFI alleging fraudulent charges for the balance and a counter claim for the reimbursement of a few hundred thousand dollars.

He offered to have City Staff meet with BFI representatives to try to resolve the issues and they have not responded. The disputed amount is approximately \$400,000, which is encumbered should it be needed. He informed Council that there may be a need at some point in the future to schedule an Executive Session to discuss strategy.

City Attorney Seiden stated that mistakes were made in the disposal process because the vehicles were viewed from the top in a tower and the trucks appeared to be full, but they were not.

Councilman Youngs suggested that the City should engage trial counsel in order to be prepared for trial and help with the negotiations. Attorney Seiden said that he would handle the matter at this point until he determines that he would not be successful because there is no need to spend additional money. He will come back to Council if he feels it is necessary.

Councilman Youngs said that in any settlement there is a compromise by both sides and his position is that the City should not be the one compromising. He does not take it kindly that BFI sued the City.

12B) City Manager

Gym: Phase II Engineering Report

City Manager Borgmann reported that the engineer will be at the gym on Tuesday, June 12th to dig below the foundation in order to inspect the construction and verify that it was done properly.

Alligator

City Manager Borgmann stated that a 9-foot alligator was pulled out of the Ludlam Canal at Ibis Avenue.

July 4th Celebration

City Manager Borgmann announced that the July 4th Celebration preparations are underway. Local long-time disc jockey, Rick Shaw has agreed to be the Grand Marshall of the Parade in honor of his 50-years in radio and his support of local organizations.

Assessed Valuation

City Manager Borgmann reported that the City received the assessed valuation from the County Tax Assessor in the amount of \$1,070,000,000, which is 5% more than last year.

Swim Meet

City Manager Borgmann announced that a Swim Meet will be hosted by Miami-Dade Aquatics and the Devil Rays Swim Club at the Miami Springs Pool on Saturday, June 16th and Sunday, June 17th. The City will receive revenue for the use of the pool for two days.

Summer Camp

City Manager Borgmann reported that the Summer Camp Program is underway with a Dodge Ball tournament on Friday night and a Tennis Tournament on Monday and Tuesday at 7:00 p.m. The Autistic Program at the Methodist Church will be participating in the swimming program and lifeguards were certified to give swimming lessons to the handicapped. This is the first swim class for autistic children in the United States.

12C) City Council

Tax Reform

Vice Mayor Best stated that the Special Legislative Session would begin tomorrow for the next ten days and everyone should pay attention to what transpires.

Alligator

Vice Mayor Best said that when he arrived home the alligator was being pulled from the canal at the end of his street. He cautioned those people who walk the Ludlam Bike Path with their dogs that are sometimes not on a leash.

Golf Course Tee Markers

Vice Mayor Best requested an agenda item for the next meeting on the Golf Course tee markers. He would like information on the history and what the plans are for the future.

Dick Bergen

Vice Mayor Best announced that Dick Bergen is in the Veteran's Hospital and not doing well. He would like to recognize him for his contributions to the City and his help with public events.

Water and Sewer System

Vice Mayor Best said that his friend James Saren who lives on Falcon Avenue is an Assistant Superintendent for Miami-Dade Water and Sewer Department and if the County assumes control of the City's Water and Sewer System he will be handling the operation.

Fair Havens Noise Problem

Councilman Dotson inquired if there is any new information on the noise buffer for the air conditioner at Fair Havens.

Assistant City Manager Gorland said that he set up a meeting with the Director at Fair Havens to discuss an appropriate date for compliance and if this is not reasonable, the City will move forward with a notice of violation.

Police Department Take Home Cars

Councilman Dotson requested an agenda item for the next meeting to discuss the subject of take home cars for the Police Department.

Agenda Items

Mayor Bain said that he would like to dedicate the June 25, 2007 Council meeting to the Water and Sewer issue so that it can be shown on Channel 77 during the month of July. He suggested that discussion regarding the tee markers and Police take home cars could be scheduled for the June 18th meeting.

Attorney Seiden explained that he would discuss Police take home cars with labor counsel because it could be a bargaining item.

City Manager Borgmann agreed that the matter had been on the table for the last ten years and even though take home cars would be a benefit, the union would want to bargain it and there are no re-openers for the current contract.

Councilman Dotson was concerned that the City is not competitive with other Police Departments.

Chief of Police Dilling said that in discussion with the labor attorney, he was adamant that take home cars should not be in the contract.

13. Adjourn.

There being no further business to be discussed the meeting was adjourned at 9:23 p.m.

Billy Bain
Mayor

ATTEST:

Suzanne Hitaffer
Deputy City Clerk

Approved as written during meeting of: 06-25-2007

Words ~~stricken through~~ have been deleted. Underscored words represent changes. All other words remain unchanged.